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PATENT

ATTORNEY DOCKET NO. 40750-5001-US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

H.-J. Su HUANG et al.

Group Art Unit: 1623

Application No.: 09/071,541

Examiner: Kathleen K. Fonda, Ph.D.

Filed: May 4, 1998

For: METHODS TO MODULATE THE  
RESISTANCE OF CELLS TO  
APOPTOSIS MEDIATED BY MUTANT  
EPIDERMAL GROWTH FACTOR  
RECEPTORSCommissioner of Patents  
Washington, D.C. 20231

Sir:

NOTICE OF APPEAL  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCESApplicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated February 17, 2000, rejecting claims 1-16.1. Extension of Time☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small <u>Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input checked="" type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$1,360.00	\$680.00

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

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01 FC:117 1-WA/1463593.1  
02 FC:119 870.00 CH  
300.00 CH

(12/98)

☐ A check in the amount of \$ \_\_\_\_\_ to cover the extension of time fee is enclosed.

☒ The Commissioner is authorized to charge **\$870.00** to Deposit Account No. 50-0310 for payment of the requisite three-month extension of time fee.

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2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

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☐ A check in the amount of \$ \_\_\_\_\_ to cover the appeal fee is enclosed.

☒ The Commissioner is authorized to charge **\$300.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee

3. Constructive Petition

☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: August 17, 2000

By 

Thomas F. Poché  
Reg. No. 45,017

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